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14
15 **UNITED STATES DISTRICT COURT**
16 **NORTHERN DISTRICT OF CALIFORNIA**
17 **SAN FRANCISCO DIVISION**

18
19 IN RE: UBER TECHNOLOGIES, INC.,
20 PASSENGER SEXUAL ASSAULT
LITIGATION

Case No. 3:23-md-03084-CRB

**DEFENDANT UBER TECHNOLOGIES,
INC., RASIER, LLC, AND RASIER-CA,
LLC'S BRIEF IN SUPPORT OF MAY 27,
2025 PRIVILEGE LOGS PURSUANT TO
SPECIAL MASTER ORDER NO. 4, § II**

21 This Document Relates to:
22
23 ALL ACTIONS

Pursuant to Special Master Order No. 4, § II (Dkt. 2933), Defendants submit this brief in support of their position on the remaining privilege claims challenged by Plaintiffs from Defendants' privilege log issued on May 27, 2025. Plaintiffs initially challenged 439 documents on this log. Following the parties' conferral, Plaintiffs submitted a final list of 396 challenges on June 12. These remaining challenges are now submitted for the Special Master's review.

The Special Master has ample grounds on which to affirm Defendants' remaining privilege claims. Defendants incorporate by reference the legal standard and arguments set forth in their prior briefing (Dkts. 2433, 2461, 2528, 2544, and 2580). As explained more fully in the prior briefs, the applicable legal standard, and the factual material previously provided to the Special Master,¹ when reviewed in conjunction with the challenged documents and the associated metadata fields, support Uber's privilege and work product assertions. The prior briefing and declarations provide important factual context on recurring topics, including:

Safety Features Developed in Partnership with Uber In-House Counsel

Uber's in-house counsel's analysis and advice is reflected in several documents regarding certain safety features that were viewed as particularly complex from a legal perspective, as they raised an array of legal considerations spanning federal, state, and local legal issues. *See, e.g.*, JCCP_MDL_PRIVLOG099174 and JCCP_MDL_PRIVLOG100970. Declarations from Daniel Kolta, Uber's Legal Director, Global Safety, and Scott Binnings, Uber's Associate General Counsel, Safety and Core Services, provide further context regarding the safety features developed at Uber in partnership and with legal analysis from Uber's in-house counsel. *See, e.g.*, Apr. 21, 2025 Declaration of Daniel Kolta (provided to the Special Master *ex parte* on April 21, 2025) and June 2, 2025 Declaration of Scott Binnings (Dkt. 3141-1). As explained, in-house counsel, including Mr. Kolta, in his capacity as Product Counsel, and Mr. Binnings, in his capacity as then-Legal Director, Global Safety, were closely involved with the feature's development. The dominant purpose of in-house counsel's relationship with the development teams was in identifying and advising on legal risks

¹ As requested by the Special Master, Uber has provided (1) a glossary of terms commonly used in disputed documents, (2) a list of names and titles of relevant Uber inside and outside counsel, and (3) a digest of third-parties present in its privilege log. Defense counsel will also be available for any questions the Special Master may have during the review process.

1 associated with the development and launch of these safety features. This legal analysis from in-house
2 counsel should be protected.

3 ***Global Serious Safety Incidents***

4 Plaintiffs challenged eight documents² relating to Uber’s Global Serious Safety Incidents
5 reports. Plaintiffs’ challenges to these documents are based solely on their misplaced view that
6 deposition testimony from Roger Kaiser established that “these regularly sent communications were
7 used and relied upon for business, rather than legal purposes.” The Special Master has already rejected
8 a similar challenge. *See* Email from Hon. Barbara Jones regarding Additional Rulings on Documents
9 Regarding Custodians Akamine, Khosrowshahi, and Hazelbaker (June 5, 2025) (“The fact that the
10 privileged information was received and relied upon by a non-lawyer, Mr. Kaiser, to inform his
11 business decisions in carrying out his duties as the Senior Director of Global Safety does not vitiate
12 the privileged nature of the information.”). Plaintiffs’ repeated challenge is equally unavailing here.

13 ***Other Discrete Issues Impacting Certain Documents***

14 Defendants provide additional context regarding certain documents in this set to facilitate the
15 resolution of privilege claims:

- 16 • **JCCP MDL PRIVLOG098500** is a slide deck called “U.S. IC+ Campaign,” which
17 was fully withheld as privileged. Attorneys Dalene Bramer (Senior Director, Global
18 Labor and Employment) and Ann O’Regan (then-Associate General Counsel, Labor
19 and Employment) are collaborators on the document. The slide deck reflects internal
20 analyses and considerations relevant to classification of driver partners as independent
21 contractors. Certain portions of the slide deck reflect legal considerations, including
22 employment law considerations, relevant to the independent contractor classification.
23 Defendants intend to produce this document with redactions for Plaintiffs’ review in
24 an effort to resolve the pending dispute.

25
26 ² The eight documents are JCCP_MDL_PRIVLOG104422, JCCP_MDL_PRIVLOG104423,
27 JCCP_MDL_PRIVLOG104424, JCCP_MDL_PRIVLOG104425, JCCP_MDL_PRIVLOG104426,
28 JCCP_MDL_PRIVLOG104427, JCCP_MDL_PRIVLOG104428, and
JCCP_MDL_PRIVLOG104675.

- 1 ● **JCCP MDL PRIVLOG100224** is an email thread from Product Manager, Mariana
2 Esteves, to Uber employees and in-house lawyer, Daniel Kolta regarding the Uber
3 Teens Pilot program. While Mr. Kolta’s role in providing legal advice on this program
4 is not apparent on the face of the challenged document, -0224, other documents show
5 that he was closely involved in the program, as Product Counsel. As Mr. Kolta has
6 previously explained, Product Counsel works hand-in-hand with other Uber employees
7 during the development of new features because there are a host of legal risks
8 associated with the development activities. *See* Apr. 21, 2025 Declaration of Daniel
9 Kolta (provided to the Special Master *ex parte* on April 21, 2025). Similar to the safety
10 features discussed above, the Uber Teens Pilot program implicated certain unique legal
11 risks. As such, Mr. Kolta and others in the legal department were requested to, and did,
12 provide legal advice regarding the development of the program. For further context on
13 Mr. Kolta’s role in this pilot program, Defendants are making available another
14 document for the Special Master’s review. *See* **JCCP MDL PRIVLOG107418**.
- 15 ● **JCCP MDL PRIVLOG104411** is a draft document regarding “investigation
16 standards.” For additional context, Defendants will make
17 **UBER JCCP MDL 005704364** available for the Special Master’s review. Document
18 -4364 is a Google Docs notification email indicating that Craig Clark (then-Legal
19 Director I, Security) had shared the challenged document (-4411) with then-Chief
20 Security Officer, Joe Sullivan. When Mr. Clark shared -4411, he explained that the
21 document in question is a “draft of the investigations policy **we’ve been working on.**”
22 (Emphasis added). The metadata for -4411 is consistent and shows that Mr. Clark was,
23 in fact, a collaborator on the document. Thus, taken together, -4364 supports the
24 conclusion that -4411 was prepared by or at the direction of counsel and, therefore,
25 should remain privileged.
- 26 ● **Non-Privilege Redactions** – Certain documents in this set include redactions to non-
27 responsive, commercially sensitive information, as previously discussed between the
28

1 parties.³ Defendants respectfully submit that these redactions are not on grounds of
2 legal privilege and are, therefore, outside of the Special Master's scope of review.
3 Defendants will confer with Plaintiffs, as needed, to resolve any disputes as to non-
4 privilege redactions.

5 The remaining privilege claims submitted for the Special Master's determination should be
6 upheld.

7
8 DATED: June 16, 2025

Respectfully submitted,

9
10 **SHOOK HARDY & BACON L.L.P.**

11 By: /s/ Jennifer Hill
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26
27 ³ Documents with redactions to non-responsive, commercially sensitive materials include
28 JCCP_MDL_PRIVLOG097384, JCCP_MDL_PRIVLOG103526, JCCP_MDL_PRIVLOG103527,
and JCCP_MDL_PRIVLOG103528.

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